



05-07-07

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to:

**Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

20985                  7590                  02/07/2007

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**FISH & RICHARDSON P.C.**  
**P.O. Box 1022**  
**Minneapolis, MN 55440-1022**

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 I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Issue Fee Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450

Stephanie Seidman		(Depositor's name)
		(Signature)
05/04/2007		(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,336	03/29/2004	Stephen Grimes	17118-064001/2843	5110

### TITLE OF INVENTION: GASTRIN HORMONE IMMUNOASSAYS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES NO	\$700-\$1400	\$300	\$1000 \$1700	05/07/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
FOSTER, CHRISTINE E.	1641	435-006000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.	1. <u>Fish &amp; Richardson P.C.</u>
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.		2. <u>Stephanie Seidman</u>
<input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.		3. <u>Paula K. Schoeneck</u>

### 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

#### (A) NAME OF ASSIGNEE

Receptor Biologix, Inc.

(B) RESIDENCE (CITY and STATE OR COUNTRY)

South San Francisco, CA

Please check the appropriate assignee category or categories (will not be printed on the patent):  individual  corporation or other private group entity  government

4a. The following fee(s) are enclosed:	4b. Payment of Fee(s):
<input checked="" type="checkbox"/> Issue Fee	<input checked="" type="checkbox"/> A check in the amount of the fee(s) is enclosed.
<input checked="" type="checkbox"/> Publication Fee (No small entity discount permitted)	<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.
<input checked="" type="checkbox"/> Advance Order - # of Copies 14	<input checked="" type="checkbox"/> The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 06-1050 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)	[X]b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
[ ].a. Applicant claims SMALL ENTITY status. See 37 CFR 1.2.7.	

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  
 NOTE: The issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered agent or; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature)	(Date) May 4, 2007
Typed or Printed Name Stephanie Seidman	Registration No. 33,779

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)



Attorney's Docket No.: 17118-064001/2843

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen Grimes *et al.*  
Serial No. : 10/813,336  
Filed : March 29, 2004  
Cust. No. : 20985  
Title : GASTRIN HORMONE IMMUNOASSAYS

Art Unit : 1641  
Examiner : Foster, Christine E.  
Conf. No. : 5110

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE**

Dear Sir:

Responsive to the notice of allowability, which includes reasons for allowance, the following comments are provided. The examiner's statement of reasons for allowance states

The prior art fails to teach or suggest a method of determining gastrin hormone using the monoclonal antibodies produced hybridomas 458-1 (ATCC Accession No. PTA-5896), 401-2 (ATCC PTA-5893), 445-1 (ATCC PTA-5894), or 445-2 (ATCC PTA-5895).

Applicant recognizes that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. In the above-referenced application, Applicant does not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. For example, as explained by Applicant on the record, none of the art of record, singly or in any combination thereof discloses, teaches or suggests methods for determining the amount of free gastrin hormone in a sample or methods for distinguishing among the forms of gastrin, including gastrin-17 (G17), gastrin-34 (G34), Glycine-extended G17 or G34 using antibodies that selectively bind to each form. The application teaches how to prepare such antibodies, including provision of the epitopes to employ for preparing the antibodies, and provides working examples of each. Having provided such disclosure one of skill in the art can prepare other antibodies that can distinguish among such forms.

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Date of Deposit May 4, 2007

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Stephanie Seidman

Applicant : Grimes et al.  
Serial No. : 10/813,336  
Filed : March 29, 2004

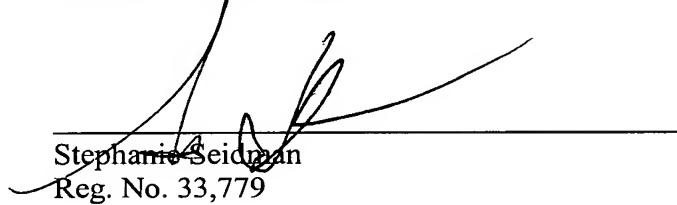
Attorney's Docket No.: 17118-064001 / 2843  
**Comments on Examiner's Reasons for Allowance**

Certainly, none of the art of record, singly or in any combination thereof discloses, teaches or suggests a method for determining the amount of free gastrin-17 (G17) and/or gastrin-34 (G34) or either glycine-extended form in a sample, using monoclonal antibodies produced by hybridomas having all of the identifying characteristics of the hybridoma designated 400-1 (ATCC accession no. PTA-5889), 400-2 (ATCC accession no. PTA-5890), 400-3 (ATCC accession no. PTA-5891), 400-4 (ATCC accession no. PTA-5892), 458-1 (ATCC Accession No. PTA-5896), 401-2 (ATCC PTA-5893), 445-1 (ATCC PTA-5894), or 445-2 (ATCC PTA-5895).

\* \* \*

Entry of these remarks into the file history of the above-captioned application respectfully is requested.

Respectfully submitted,



Stephanie Seidman  
Reg. No. 33,779

Attorney Docket No. 17118-064001/2843

**Address all correspondence to:**

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10733433.doc



Attorney's Docket No.: 17118-064001/2843

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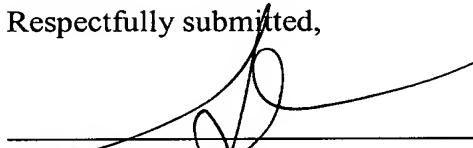
**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith are an Issue Fee Transmittal Form PTOL-85 (1 page); Comments on Examiner's Reasons for Allowance; a check in the amount of \$1742.00 for the Issue Fee for a large entity, Publication Fee and advance order of fourteen (14) copies; and a return postcard for filing in connection with the above-identified application.

The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

  
Stephanie Seidman  
Reg. No. 33,779

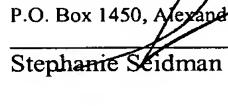
Attorney Docket No. 17118-064001/2843

**Address all correspondence to:**

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Date of Deposit May 4, 2007

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Stephanie Seidman